



**STATE OF ILLINOIS**  
**HUMAN RIGHTS COMMISSION**

**IN THE MATTER OF:**

**PAMELA WILHOITE ,**

**Complainant,**

**JEWEL FOOD STORES, INC.,**

**Respondents.**

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**CHARGE: 2002CP1792**

**EEOC: 21BA3090**

**ALS NO: 11966**

**RECOMMENDED ORDER AND DECISION**

On December 13, 2002, the Illinois Department of Human Rights (Department),  
filed a complaint on behalf of Complainant, Pamela Wilhoite, alleging that Respondent,  
Jewel Food Stores, Inc., sexually harassed her.

**Findings of Fact**

1. On the initial hearing date, February 27, 2003, a discovery schedule was entered and this matter was continued for discovery status to June 26, 2003. Respondent appeared; Complainant did not appear. A copy of this order was served on Complainant.
2. On June 26, 2003, Respondent's Motion to Compel was granted and this matter was set for status on July 24, 2003. Respondent appeared; Complainant did not appear. A copy of this order was served on Complainant.
3. On July 17, 2003, Respondent filed its Motion to Dismiss. On July 24, 2003, due to a service deficiency, Respondent was ordered to re-serve its Motion. Also, Complainant was ordered to appear on the next hearing date, August 13, 2003, or her case would be dismissed for want of prosecution. Respondent appeared; Complainant did not appear. A copy of this order was served on Complainant.

4. The Motion to Dismiss was re-served on July 25, 2003. On August 13, 2003, again, Respondent appeared; Complainant did not appear.

#### Conclusions of Law

1. Complainant's failure to comply with Commission orders, or to make any attempt to explain those failures, has unreasonably delayed the proceedings in this case.
2. In light of Complainant's apparent abandonment of her claim, it is appropriate to dismiss this matter with prejudice.

#### Discussion

Complainant has taken little action to prosecute this matter since her complaint was filed. Despite being served with notice, she has not appeared at scheduled hearings in this matter or complied with discovery requests. None of these failures on Complainant's part have been explained. Complainant's continued inaction has unreasonably delayed proceedings in this matter.

It appears that Complainant has simply abandoned her claim. As a result it is appropriate to dismiss the claim with prejudice. *See, Leonard and Solid Matter, Inc.*, \_\_\_\_ Ill. HRC Rep. \_\_\_\_, (1989CN3091, August 25, 1992).

Recommendation

Based upon the foregoing, Complainant's inaction has unreasonably delayed the proceedings in this matter; it appears that she has abandoned her claim. Accordingly, it is recommended that this case be dismissed in its entirety, with prejudice.

HUMAN RIGHTS COMMISSION

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BY:  
WILLIAM H. HALL, IV  
ADMINISTRATIVE LAW JUDGE  
ADMINISTRATIVE LAW SECTION

ENTERED: August 13, 2003